

**VILLAGE OF CROTON ON HUDSON
MINUTES OF THE PLANNING BOARD MEETING
TUESDAY, OCTOBER 25, 2016**

Present: Robert Luntz, Chair
Bruce Kauderer
Janet Mainiero
Steve Krisky (late arrival)

Absent: Edward Doherty

Also Present: Daniel O'Connor, P.E., Village Engineer

1. Call to order 8:00 p.m.

2. PUBLIC HEARING

(a) Croton View Properties LLC -- 50 Maple Street (Sec. 79.09 Blk 1 Lot 30) -- Application for Amended Site Plan approval for entry door revisions to renovated retail store.

OPEN PUBLIC HEARING: Mr. Kauderer made a motion to open public hearing, seconded by Ms. Mainiero, and carried by a vote of 3-0 (Mr. Krisky and Mr. Doherty not present).

Present: Mr. Ed Gemmola, Architect

Mr. Gemmola explained that automatic doors would be installed in the front entrance of Van Wyck Liquors (similar to what is at Green and Grain next door). There won't be any other changes to the front of the store.

He also addressed the Bicycle/Pedestrian Committee's question about the installation of additional bicycle racks near the store. The owner of the shopping center is willing to install bike racks on the wall between State Farm tenant space and CVS. The bicycle posts will not interfere with the sidewalks and will be attached close to the building. Signage will added by the cleaners and the alcove where existing bike racks are.

CLOSE PUBLIC HEARING: There being no comments from the public, Mr. Kauderer made a motion to close the public hearing, seconded by Ms. Mainiero, and carried by a vote of 3-0 (Mr. Doherty and Mr. Krisky not present).

A motion was made to approved the draft resolution, as amended, by Ms. Mainiero, seconded by Mr. Kauderer, and carried by a vote of 3-0 (Mr. Krisky and Mr. Doherty absent).

3. NEW BUSINESS

(a) WBSO Enterprises DBA Green Growler Grocery -- 4 Croton Point Avenue (Sec. 79.17 Blk. 1 Lot 6) -- Application for Change of Use from Retail/Professional Services to Food Establishment/Tavern Use in light industrial zone.

Present: Seana O'Callaghan, Owner

Ms. O'Callaghan explained that she had received a special permit for a restaurant establishment in a Light Industrial Zone from the Village Board, and that the Zoning Board had determined that no variance was required. She was now requesting approval for a Change of Use from a retail/professional services use to a Restaurant/Tavern use.

When asked about plans for outdoor use, Ms. O'Callaghan stated that at present she was planning to only use the indoor space. The indoor space is ADA compliant.

When asked about signage, Ms. O'Callaghan stated that she had not yet decided where it would be or how it would look, but once she does she will go to the Advisory Board of the Visual Environment and come back for final approval of the sign from the Planning Board.

Her hope is that she can move to the new location in the first week in January pending approval from the state liquor authority and state agricultural authority.

MOTION: Mr. Kauderer made a motion to approve a Change of Use, seconded by Ms. Mainiero, and carried by a vote of 3-0.

(b) Murphy, Andrew -- 120 Scenic Drive West (Sec. 67.10 Blk. 2 Lot 5) -- Application for preliminary subdivision approval for two-lot subdivision.

Present: Mr. Ron Wegner, P.E., Cronin Engineering

Mr. Wegner stated that this property had earlier this been rezoned from O-2 Limited Office to RA-25 Residential. The property owners are moving forward with the subdivision application. There will also be an adjustment of the lot line between the 120 Scenic Drive West property and the 10 Newton Court properties.

The applicants also would like to resolve an issue of a clearing / grading limit line shown on the original Baltic Estates subdivision map. Mr. Wegner stated that the Village Attorney is reviewing this.

Also the subdivision parcels as proposed will require a variance for lot width. Mr. Wegner explained that although the parcels can be configured to comply with the village's requirements for lot width, the applicants feel that the proposed layout will create parcels that are more consistent and harmonious with the adjacent properties than if a compliant layout was created. The applicant will seek the required lot width variance from the ZBA.

Mr. Wegner emphasized that the proposed layout with a lot width variance will be more environmentally sensitive and less disturbing to the area. The subdivision as proposed will provide a decrease in impervious coverage of over 8,500 square feet in the proposed development when compared to when the office building and parking lot was on the site.

Mr. Wegner stated that he will be working with the Village Engineer on the best option for storm drainage systems but noted that the storm water discharge is towards the municipal right of way and that the storm drain system is in the front of the site.

Ms. Mainiero made a motion for the Planning Board to declare itself lead agency, to refer the application to the Waterfront Advisory Committee for consistency with the LWRP, and to refer the application to the Village Attorney for his review, seconded by Mr. Kauderer, and carried by a vote of 3-0. The applicant will go to the ZBA for a lot width variance. Mr. Wegner noted that the applicant may also want to apply, after preliminary subdivision approval, for Minor Site Plan approvals for single-family houses on Lot 1 and Lot 2.

(c) Vulaj, Nikolla -- 6 Alexander Lane (Sec. 67.10 Blk. 2 Lot 37) -- Application for preliminary subdivision approval for two-lot subdivision.

Mr. Vulaj explained that he had built his home on Alexander Lane thirteen years ago. Since he and his wife like the neighborhood and would like to stay in Croton, he decided that he would like to subdivide his property and build a new house. He recently changed from septic to sewer system and utilities are in the front of his current residence. He explained that he understood that some zoning issues needed to be resolved. The Village Engineer explained that with a reconfiguration of the lot line the average lot depth (has to average 150 sq. ft.) will conform to code.

The Village Engineer also explained that in the Village Code, frontage has to be accessible and usable and the Village Engineer has to prove that a driveway is possible on the frontage. The driveway doesn't have to be created, but it has to be possible. Lot 1 has frontage on Cleveland Drive, and Lot 2 has frontage on Alexander Lane. The solution is to do an easement so that access is part of Lot 1. The driveway to Lot 2 (new house) will be in the easement area. Mr. Vulaj stated that he is not sharing the driveway, but will be giving an easement for the driveway since the topography is flat and there is good visibility. He may have to remove one tree.

The existing house hooks up to water service off of Cleveland Drive and the applicant recently put in sewer which runs down to Five Corners. The new house on Lot 2 will also be connected to the water main and sewer. Most of the houses on Alexander are on a septic system.

The Village Engineer mentioned that the applicant should make sure that an easement isn't needed for any electric/utilities that may be located across the street.

Some neighbors on Alexander Lane were present and, although not a public hearing, were invited, as is custom of the Planning Board, to speak by Chairman Luntz. The neighbors at 2

Alexander Lane said that Mr. and Mrs. Vulaj are great neighbors. They would like to see an affordable house constructed and one that doesn't have vinyl siding and trim. Chairman Luntz noted that the Planning board doesn't usually put a restriction on FAR and a house must meet the zoning requirements. The Planning board does look at house plans, exterior details, and the architecture of the house when the application is under Minor Site Plan review. The neighbor at 5 Alexander said she wanted to educate herself about the process and gain a better understanding about the frontage issue.

In commenting on the SEAF, Mr. Kauderer noted that Item #9 should be N/A since it is just a subdivision. The Planning Board asked about why the property appears on the DEC mapper program as an "archaeological sensitive area", and the Village Engineer stated that he would ask the applicant's engineer to look into this. The DEC mapper also indicated that the property was a remediation site and when the Planning Board questioned this, the Village Engineer stated that this could have been as simple as a homeowner oil tank spill, but again, the applicant's engineer will follow up to clarify. Mr. Kauderer noted that #14 (regarding habitat found on property) should be checked off as "Suburban."

MOTION: Ms. Mainiero made a motion to declare the Planning Board as Lead Agency, and make a referral to the Waterfront Advisory Committee, seconded by Mr. Kauderer, and carried by a vote of 4-0 (Mr. Doherty absent).

4. REFERRALS

(a) Referral from Village Board on application for modification of a special permit for Skyview Rehabilitation and Health Care -- 1280 Albany Post Road

Present: Mr. Ed Kuester, Environmental Services Director of Skyview Rehabilitation and Health Center

Mr. Kuester explained that the special permit application proposes to use the building at 1278 Albany Post Road, a single-family house formerly owned by the director of the nursing home, for additional office space for business operations that had been in the main nursing home building. Space in the main building which would then be freed up for the residents.

Skyview Rehabilitation and Health Center is in the RA-60 residential zoning district. The nursing home opened in early 1973 and was granted a special permit for use as a nursing home.

The Village Engineer noted the following facts about the house at 1278 Albany Post Road: it was vacated in 2011, the building has a Certificate of Occupancy, there is a note in the file that states that the house did not meet side yard setbacks; there is no variance on record; it is compliant by special permit; and for purposes of zoning the property is merged for site plan purposes. The Village Engineer recommended that if for the future the house were to be used as a residence, it would need a zoning variance.

Mr. Kuester stated that by moving some of the in-house office space to the house, there would be more parking for visitors in the other lot. There would be very little impact to the exterior of the building since most of the work would be inside the building in order to create more office space.

The Planning Board reviewed the following objectives written in Section 230-58 of the village code and it was determined that these objectives were achieved by the applicant:

- A. Accessibility: Remains accessible to fire and police protection; the existing single-family house is accessed by using the main entrance to Skyview.
- B. Compatibility of the location, size and character of proposed use: The building has always been considered part of the nursing home facility. The proposed use of this existing single family structure for administrative office will enhance the services provided by the facility without there being any change in the size or location of the existing building. Although the single-family house does not meet the zoning setbacks according to the RA-60 residential district requirements, the Planning Board recommends that the Village Board might want to consider the property as a whole, and that, only if in the future the house is sold separately, would Skyview need to legalize the existing setbacks of the house at that time.
- C. Safety and congruence: There is no impact on traffic or pedestrian flow.
- D. Compatibility of the location: There is no change to the location of the existing building and the proposed administrative office building will have only minor improvements to the exterior of the building.
- E. There will be no impact on the site or adjacent lands.

MOTION: Mr. Kauderer made a motion to wholeheartedly recommend that the Village issue Skyview Rehabilitation and Health Center a special permit for the modification of the special permit because this project will bring improvements to the property. The Planning Board also recommends that the Village Board might want to consider the property as a whole, and that if in the future the house is sold separately, the applicant can consider the setbacks at that time, seconded by Mr. Krisky (who was in attendance for this discussion), and carried by a vote in favor, 4-0 (Mr. Doherty absent).

5. Non Agenda Items -- Discussion

- There was a discussion about the need for landscaping improvements near the wood-fenced area near the post office at the Van Wyck I Shopping Center. Staff will follow up with the property owner.
- Mr. Kauderer asked about any follow up with the Village Attorney regarding 3 Arrowcrest Drive. The Village Engineer said that he and the Village Manager speak with the Village Attorney on a regular basis and he will follow up.

6. APPROVAL OF MINUTES

Mr. Krisky made a motion to approved the minutes of September 27, 2016, seconded by Mr. Kauderer, and carried by a vote of 3-0 (Chairman Luntz abstained since he was absent for this meeting).

7. ADJOURNMENT

There being no more business to come before the board, the meeting was adjourned at 10 P.M.

Respectfully submitted by,

Ronnie L. Rose
Secretary to the Planning Board